

Appl. S.N. 10/052,239

Amdt. dated March 30, 2006

Reply to Office Action of January 24, 2006

Docket No. UMJ-160-A (UM 1937)

REMARKS

Upon entry of this Communication, claims 9-19 and 34-36 remain in the application. The Examiner has indicated that claims 9, 13, 14, 19 and 34 are in a condition suitable for allowance. The Examiner has further indicated that claims 35 and 36 are free of the prior art.

Claims 6-8, 30-33 and 37-42 have been cancelled. Claim 10 has been amended solely to change the dependency of this claim so that it depends from an allowed claim. Claim 35 has been amended as an independent claim, to include the limitations of claim 6 from which it depended. Claim 36 has been amended to depend from claim 35.

It is to be understood that amendments of the originally filed claims, or cancellation of any claims should in no way be construed as an acquiescence, narrowing, or surrender of any subject matter. The amendments are being made to particularly point out and distinctly claim the subject matter that Applicants regard as the invention, and/or to expedite prosecution of the present application. Applicants reserve the option to prosecute the originally filed claims further, or similar ones, in the instant or subsequently filed patent applications.

Furthermore, silence with regard to any of the Examiner's rejections is not indicative of acquiescence to such rejections. Specifically, silence with regard to the Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claim(s) depends.

Claims 6-8, 10-12, 15-18, 30-33, 35, 36 and 42 stand rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to comply with the written description requirement. Claims 6-8, 10-12, 15-18, 30-33, 35, 36 and 42 also stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 6-8, 30-33, and 42 have been cancelled, rendering the rejections of these claims moot. Claims 10-12 and 15-18 now depend ultimately from claim 9, which the Examiner has indicated as allowable. Claim 35 has been amended as an independent claim. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first and second paragraphs.

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Claims 6-8, 10-12 and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fauquex et al. (US Patent No. 5,990,289) or Staples et al. (US Patent No. 5,169,936). Claims 6-8 and 42 have been cancelled, rendering the rejection of these claims moot. Claims 10-12 now depend from claim 9, which the Examiner has allowed. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claims 6-8, 10-12, 15-18, 30-33 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sivan et al. (US Patent No. 6,569,688) in view of Fauquex et al. or Staples et al., each taken with Fanning et al (US Patent No. 5,858,792), and if necessary further in view of Tedeschi et al. (US Patent No. 6,645,518).

As previously stated, claims 6-8 have been cancelled, and claims 10-12 now depend from allowed claim 9. Claims 15-18 now also depend ultimately from claim 9.

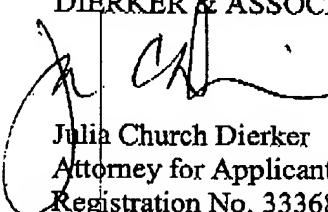
Claims 30-33 have been cancelled, rendering the rejection of these claims moot. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

In summary, claims 9-19 and 34-36 remain in the application. Each claim has been indicated as being allowed, being free of the prior art, or amended herein to depend ultimately therefrom. As such, it is submitted that the present application is in condition for allowance, notification of which is respectfully requested.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, he is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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